

**KENTUCKY
PERSONNEL
CABINET**

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THOMAS B. STEPHENS
SECRETARY

MEMORANDUM

PERSONNEL MEMO 16-57

To: Constitutional Officers
Cabinet Secretaries
Agency Heads
HR Administrators

FROM: Thomas B. Stephens, ^{TBS} Secretary

DATE: October 12, 2016

RE: Annual State Certification for Drug-Free Workplace Federal Grants
October 1, 2016 - September 30, 2017

Pursuant to current federal regulations, I must submit the state certification on behalf of all state agencies to the following:

- U.S. Department of Agriculture
- U.S. Department of Commerce
- U.S. Department of Defense
- U.S. Department of Education
- U.S. Department of Energy
- U.S. Department of Health and Human Services
- U.S. Department of Homeland Security
- U.S. Department of Housing and Urban Development
- U.S. Department of the Interior
- U.S. Department of Justice
- U.S. Department of Labor
- U.S. Department of Transportation
- U.S. Department of Veterans' Affairs
- U.S. Elections Assistance Commission
- U.S. Environmental Protection Agency
- U.S. Equal Employment Opportunity Commission
- Corporation for National and Community Service
- Institute of Museum and Library Services
- National Endowment for the Arts
- National Endowment for the Humanities

U.S. National Archives and Records Administration
U.S. Executive Office of the President
U.S. Small Business Administration
U.S. Social Security Administration
U.S. Department of the Treasury
Tennessee Valley Authority
Delta Regional Authority

For all other federal agencies, state agencies must submit a copy of the enclosed certification with each grant application.

Attached is your agency's copy of the Kentucky State Certification for Federal Grants under the provisions of the Drug-Free Workplace Act for Federal Fiscal Year 2016. This certification will be valid from October 1, 2016 through September 30, 2017.

If you have any questions or concerns, please feel free to contact Rosemary G. Holbrook at (502) 564-6761 or via email at rosemaryg.holbrook@ky.gov.

Thank you for your continued cooperation.

Attachments: Annual Certification for Drug-Free Workplace Federal Grants
Agency Federal Funding Source 2016-2017

**Kentucky State Government
Annual Multiple Agency Certification Regarding
Drug-Free Workplace Requirements
Federal Fiscal Year 2016/2017
October 1, 2016 - September 30, 2017**

Pursuant to Executive Order 96-611 issued by the Governor of the Commonwealth of Kentucky on May 15, 1996, (attached as Appendix A) I, Thomas B. Stephens, Secretary, Personnel Cabinet, do hereby certify, on behalf of the Executive Branch of Kentucky State Government, that all of its agencies are in compliance with the Drug-Free Workplace Act of 1988, and it has:

- I. Published a statement notifying employees that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition (attached as Appendix B);
- II. Established an ongoing drug-free awareness program to inform employees about:
 - A. The dangers of drug abuse in the workplace;
 - B. The grantee's policy of maintaining a drug-free workplace;
 - C. Available drug counseling, rehabilitation, and employee assistance programs; and
 - D. The penalties that may be imposed upon employees for drug abuse violations;
- III. Made it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (I);
- IV. Notified each employee in the statement required by paragraph (I) that as a condition of employment under the grant the employee will:
 - A. Abide by the terms of the statement; and
 - B. Notify the employer of any criminal drug statute conviction for a violation in the workplace no later than five days after the conviction;
- V. Established a policy which the employer will notify the granting agency in writing, within ten days after receiving notice under subparagraph (IV)(B) from an employee or otherwise receiving actual notice of such conviction;
- VI. Established a policy under which the employer will impose a sanction on, or require the satisfactory participation in a drug abuse assistance or rehabilitation program by, any employee who is convicted; as required by 41 U.S.C. § 8104;

- VII. Made a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs I through VI.

Commonwealth of Kentucky, State Government
Organization Name

Thomas B. Stephens - Personnel Cabinet
Name and Title of Authorized Representative


Signature

October 12, 2016
Date



PAUL E. PATTON
GOVERNOR

EXECUTIVE ORDER

96-611

Secretary of State
Frankfort
Kentucky

May 15, 1996

RELATING TO DRUG-FREE WORKPLACE POLICY
COMMONWEALTH OF KENTUCKY

WHEREAS, in 1988, the United States Congress enacted the Anti-Drug Abuse Act (Public Law 100-690) which requires recipients of federal grants to certify that they have met the requirements designed to promote a drug-free workplace; and

WHEREAS, the Commonwealth of Kentucky has maintained a policy of prohibiting the manufacture, distribution, possession, and use of controlled substance drugs in the workplace and of enforcing such prohibition through disciplinary action against offenders while providing a program of rehabilitation and counseling through its Employee Assistance program and through the State-supported health insurance programs; and

WHEREAS, the unlawful manufacture, distribution, possession and use of controlled substances in the workplace constitutes a serious hazard to the health, safety and welfare of State employees as well as to the health, safety and welfare of the public they serve; and

WHEREAS, it is deemed appropriate that the Secretary of the Personnel Cabinet notify State employees of the penalties, programs and reporting requirements of the Anti-Drug Abuse Act of 1988;

NOW, THEREFORE, I, PAUL E. PATTON, Governor of the Commonwealth of Kentucky, do hereby order and direct the Secretary of the Personnel Cabinet to issue written notice to each employee of the Commonwealth of Kentucky, advising of the requirements of the Anti-Drug Abuse Act of 1988, of the range of penalties that may be imposed for violations, and of the rehabilitation and counseling programs that are available.

The Secretary of the Personnel Cabinet is authorized and directed to certify compliance with the Anti-Drug Abuse Act of 1988 to the appropriate federal grantor agency upon issuance of notice to State employees.

This Order is effective upon execution.


PAUL E. PATTON
Governor


JOHN Y. BROWN III
Secretary of State

APPENDIX A



EMPLOYEE HANDBOOK

**Revised: September 30, 2016*

Issued by:

Personnel Cabinet

Department of Human Resources Administration

501 High Street, 3rd Floor
Frankfort, Kentucky 40601

Phone: (502) 564-7571

Fax (502) 564- 1823

www.personnel.ky.gov

<https://khris.ky.gov>

**This handbook is reviewed annually, but is subject to change at any time based on the necessity for updates.*

Appendix B

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This handbook is not a contract nor do the statements contained in it have the force of law. Personnel laws and regulations may modify or supersede any or all statements in this handbook. For more information, employees should see their human resource administrator and refer to the current edition of 18A of the Kentucky Revised Statutes and Title 101 of the Kentucky Administrative Regulations.

The Employee Handbook is always available electronically on the Personnel Cabinet's website. If another format is needed, a request may be submitted to the Department of Human Resources Administration, through the agency human resource administrator.

Drug-Free Workplace

The federal statute governing drug-free workplace requirements for federal grant recipients requires recipients of federal funds to certify that they have met requirements designed to promote a drug-free workplace (41 U.S.C. § 8103). In compliance with this Act, and at the discretion of the Governor, all state employees are notified that:

- The unlawful manufacture, distribution, dispensation, possession or use of any controlled substance is strictly prohibited in the workplace and any employee found to be in violation will be subject to disciplinary action by the Appointing Authority for misconduct which may include sanctions up to and including dismissal from state service, in accordance with the State law.
- The Personnel Cabinet will continue to improve drug-free awareness programs through employee assistance and, in cooperation with State agencies, to eradicate the dangers that drugs in the workplace create for our employees. State-supported health insurance provides coverage for employees referred to or seeking treatment for drug and alcohol related problems.
- Compliance with drug-free workplace requirements is a condition of continued employment with State Government. Each employee is obligated, on pain of disciplinary action, to report any conviction he or she receives as a result of a violation of any criminal drug statute occurring in the workplace within five (5) days of such conviction. Such a report is to be made to the employee's Appointing Authority and is required by federal law and the agency is obligated to report such conviction to the federal grantor within ten (10) days after it receives notice.
- Employees found to be in violation of drug-free workplace requirements may face disciplinary action up to and including dismissal or may be required to satisfactorily participate in a drug abuse assistance or treatment program.

Employees who have questions concerning this directive are encouraged to contact their supervisor or the Kentucky Employee Assistance Program at (502) 564-5788. For more information please check our website at <https://personnel.ky.gov/Pages/Substance-Abuse.aspx>.

LEGAL REFERENCES:

KRS 18A.043

41 U.S.C. § 8103

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**THOMAS B. STEPHENS
SECRETARY**

MEMORANDUM

PERSONNEL MEMO 16-54

TO: All State Employees

FROM: Thomas B. Stephens, Secretary *TBS*

DATE: September 7, 2016

RE: Drug-Free Workplace

The federal statute governing drug-free workplace requirements for federal grant recipients requires recipients of federal funds to certify that they have met requirements designed to promote a drug-free workplace (41 U.S.C. § 8103). In compliance with this Act, and at the discretion of the Governor, all state employees are notified that:

A. The unlawful manufacture, distribution, dispensation, possession, or use of any controlled substance is strictly prohibited in the workplace, and any employee found to be in violation will be subject to disciplinary action by the appointing authority for misconduct which may include sanctions up to and including dismissal from state service, in accordance with state law.

B. The Personnel Cabinet will continue to improve drug-free awareness programs through employee assistance and, in cooperation with state agencies, to eradicate the dangers that drugs in the workplace create for our employees. State-supported health insurance provides coverage for employees referred to or seeking treatment for drug and alcohol-related problems.

C. Compliance with drug-free workplace requirements is a condition of continued employment with state government for all state employees. Each employee is obligated to report any conviction he or she receives as a result of a violation of any criminal drug statute occurring in the workplace within five (5) days of such conviction. Such a report is to be made to the employee's appointing authority and is required by federal law. Failure of any employee to report his or her conviction to the appointing authority may result in disciplinary action. The agency is obligated to report such conviction to the federal grantor within ten (10) days after it receives notice.

D. Employees found to be in violation of drug-free workplace requirements may face disciplinary action up to and including dismissal or may be required to satisfactorily participate in a drug abuse assistance or treatment program.

Feel free to contact your supervisor or the Personnel Cabinet's Kentucky Employee Assistance Program at (502) 564-5788 with any questions concerning this directive.

STATE AGENCIES' FEDERAL FUNDING SOURCES 2016/2017
(As of October 12, 2016)

STATE AGENCY

FEDERAL FUNDING AGENCY

General Government Cabinet

Department of Agriculture

U.S. Department of Agriculture
U.S. Environmental Protection Agency
U.S. Department of Defense

Department of Military Affairs

U.S. Department of Defense
U.S. Department of Transportation
U.S. Department of Health & Human Services
U.S. Department of Homeland Security
- Federal Emergency Management Agency
U.S. Department of Justice

Department for Local Government

U.S. Department of Housing & Urban Development
- Appalachian Regional Commission
- Community Development Block Grant
- Neighborhood Stabilization Program
U.S. Department of the Interior
- Land & Water Conservation Fund
U.S. Department of Transportation
- Recreational Trails Program
Delta Regional Authority

Council on Postsecondary Education

U.S. Department of Education
U.S. Department of Agriculture

Kentucky Commission on Human Rights

U.S. Department of Housing & Urban Development
Equal Employment Opportunity Commission

Kentucky Infrastructure Authority

U.S. Environmental Protection Agency

Kentucky Department of Veterans' Affairs

U.S. Department of Veterans' Affairs
U.S. Department of Health & Human Services

Office of the Governor

U.S. Department of Defense
U.S. Department of Education
U.S. Department of Health & Human Services

Early Childhood Advisory Council

U.S. Department of Health & Human Services
U.S. Department of Education

Office of Homeland Security

U.S. Department of Homeland Security

State Board of Elections

U.S. Department of Health & Human Services
- Administration for Children & Families
- Administration on Developmental Disabilities
U.S. Election Assistance Commission

STATE AGENCIES' FEDERAL FUNDING SOURCES 2016/2017

(As of October 12, 2016)

Secretary of State

U.S. Department of Defense
- Federal Voting Assistance Program

Office of Attorney General

Office of Medicaid Fraud & Abuse Control
Office of Victims Advocacy
Office of Prosecutors Advisory Council
Office of Criminal Appeals
Department of Criminal Investigations

U.S. Department of Health & Human Services
U.S. Department of Justice
U.S. Department of Transportation
U.S. Department of Justice
U.S. Social Security Administration
U.S. Executive Office of the President (CFDA 95.011)

Transportation Cabinet

U.S. Department of Agriculture
U.S. Department of Defense
U.S. Department of Energy
U.S. Department of Homeland Security
Federal Emergency Management Agency
U.S. Department of Transportation*
- Federal Aviation Administration
- Federal Highway Administration*
- Federal Motor Carrier Safety Administration
- Federal Railroad Administration
- Federal Transit Administration
- National Highway Traffic & Safety Administration
(*Includes ARRA & Federal Lands Highway)

Economic Development Cabinet

U.S. Small Business Administration
U.S. Department of Treasury

Finance & Administration Cabinet

U.S. Environmental Protection Agency

Kentucky Higher Education Assistance Authority

U.S. Department of Education

Commonwealth Office of Technology

U.S. Department of Agriculture
U.S. Department of Commerce
U.S. Department of Interior
Tennessee Valley Authority

Department of Revenue

U.S. Department of Treasury
- Internal Revenue Service

Kentucky Communications Network Authority

U.S. Department of Commerce

STATE AGENCIES' FEDERAL FUNDING SOURCES 2016/2017

(As of October 12, 2016)

Tourism, Arts & Heritage Cabinet

Department of Fish and Wildlife

U.S. Department of the Interior
U.S. Department of Agriculture
U.S. Department of Homeland Security
U.S. Department of Defense

Kentucky Arts Council

National Endowment for the Arts

Kentucky Heritage Council

U.S. Department of the Interior
- National Park Service

Office of the Secretary

U.S. Department of Housing & Urban Development
- Appalachian Regional Commission

Kentucky Historical Society

Institute of Museum and Library Services
National Endowment for the Humanities
National Archives and Records Administration
- National Historical Publications and Records
Commission

Kentucky Department of Parks

U.S. Department of Transportation
- Federal Highway Administration
U.S. Department of Homeland Security
Federal Emergency Management Agency
U.S. Department of the Interior
- National Park Service

Education and Workforce Development Cabinet

Department of Education

U.S. Department of Education
U.S. Department of Health & Human Services
U.S. Department of Agriculture

Educational Professional Standards Board

U.S. Department of Defense
U.S. Department of Education

Kentucky Dept. for Libraries & Archives

Institute for Museum & Library Services
National Archives and Records Administration
- National Historical Publications and Records

Commission

Kentucky Educational Television (KET)

U.S. Department of Agriculture

Department of Workforce Investment

STATE AGENCIES' FEDERAL FUNDING SOURCES 2016/2017
(As of October 12, 2016)

Office for the Blind

Office of Vocational Rehabilitation

Office of Employment and Training

Office of the Secretary

Kentucky Environmental Education Council

U.S. Department of Education - RSA

U.S. Department of Health & Human Services

U.S. Department of Education - RSA

U.S. Department of Health & Human Services

U.S. Department of Labor

U.S. Department of Education – RSA

U.S. Environmental Protection Agency

Energy & Environment Cabinet

U.S. Environmental Protection Agency

U.S. Department of Interior

U.S. Department of Energy

U.S. Department of Defense

U.S. Department of Homeland Security

U.S. Department of Agriculture

U.S. Department of Transportation

U.S. Department of Labor

Labor Cabinet

U.S. Department of Labor

Public Protection Cabinet

U.S. Department of Justice

U.S. Department of Health & Human Services

Health and Family Services Cabinet

U.S. Department of Agriculture

U.S. Department of Health and Human Services

U.S. Department of Energy

U.S. Department of Education

Corporation for National and Community Service

U.S. Environmental Protection Agency

U.S. Department of Labor

U.S. Social Security Administration

U.S. Department of Justice

U.S. Department of Defense

Justice and Public Safety Cabinet

Office of the Secretary

U.S. Department of Justice

Department of Criminal Justice Training

U.S. Department of Transportation –

Governor's Highway Safety Program

U.S. Department of Health and Human Services –

Kentucky Prescription Drug Overdose

Prevention Program

Department of Corrections

U.S. Department of Education

U.S. Department of Health & Human Services

- Substance Abuse and Mental Health Services
Administration

STATE AGENCIES' FEDERAL FUNDING SOURCES 2016/2017
(As of October 12, 2016)

Department of Public Advocacy

U.S. Department of Justice

U.S. Department of Health and Human Services
U.S. Department of Education
U.S. Social Security Administration
U.S. Department of Justice

Department of Juvenile Justice

U.S. Department of Justice
U.S. Department of Health and Human Services

U.S. Department of Education

Kentucky State Police

U.S. Department of Homeland Security
U.S. Department of Justice
U.S. Department of Transportation*
U.S. Department of Health & Human Services
U.S. Executive Office of the President
- Office of National Drug Control Policy
U.S. Department of Commerce
U.S. Department of Treasury
U.S. Department of Education
U.S. Executive Office of the President
(CFDA#95.001)
(*Includes NHTSA, MCSAP & FHWA)